

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

GABRIEL HOYLE,

Petitioner,

- versus -

PEOPLE OF THE STATE OF NEW YORK,

Respondent.

ORDER

13-CV-3005(JG)

JOHN GLEESON, United States District Judge:

On May 7, 2013 petitioner Gabriel Hoyle filed this petition for a writ of habeas corpus. Hoyle also filed a petition for writ of habeas corpus on November 24, 2008 under E.D.N.Y. Docket No. 08-CV-4839 (JG). This Court denied Hoyle's 2008 petition and the Court of Appeals for the Second Circuit subsequently denied a certificate of appealability; its mandate issued on November 25, 2009.

Hoyle's instant motion challenges the same conviction as his original petition. As such, his request is deemed a second or successive habeas petition.

The petitioner may not receive review of a second or successive habeas petition unless he has first received permission from the Court of Appeals to do so. Accordingly, the Clerk of Court is directed to transfer the motion to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631. *See Liriano v. United States*, 95 F.3d 119 (2d Cir. 1996) (per curiam).

The Court's Order to Show Cause dated June 11, 2013 is hereby vacated.

So ordered.

John Gleeson, U.S.D.J.

Dated: June 19, 2013

Brooklyn, New York